

FILED

JAN 23 2006

FRED L. BORCH, CLERK
US DISTRICT COURT, EDNC
BY DEP. CLK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

CASE NO. 5:04-CR-211-BO(1)

UNITED STATES OF AMERICA)
)
 v.) GOVERNMENT'S NOTICE
) OF SUBSTITUTED EXHIBIT
 DAVID A. PASSARO,)
)
 DEFENDANT,)
)

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, respectfully files this notice of Notice of Substituted Exhibit:

The United States hereby provides notice of substitution of Exhibit 3 that was attached to the Government's Reply to Defendant's Supplemental Memorandum in Opposition to Government's Motion In Limine to Exclude Public Authority Defense, which Reply was filed under seal with the Court Security Officer on January 12, 2006. The Government inadvertently attached the wrong document as Exhibit 3 in its original filing. The Government has replaced this exhibit with the correct document in all copies of the filing. The Federal Public Defender has been notified of this action, and advises that he has no objection to the substitution.

Respectfully Submitted,

FRANK D. WHITNEY
UNITED STATES ATTORNEY

By:


JAMES A. CANDELMO
ASSISTANT UNITED STATES ATTORNEY

CERTIFICATE OF SERVICE

This is to certify that I have this 23rd day of January, 2006, served a copy of the foregoing notice upon the defendant in this action by hand delivery of the same addressed as follows:

THOMAS McNAMARA
Federal Public Defender
Raleigh, North Carolina



JAMES A. CANDELMO
Assistant United States Attorney